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RUEHBJ/AMEMBASSY BEIJING 3638
RUEHKO/AMEMBASSY TOKYO 3497
RUEHIT/AMCONSUL ISTANBUL 4181
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RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHDC
RUEKJCS/JOINT STAFF WASHDC
RUEKJCS/SECDEF WASHINGTON DC
RUEHVEN/USMISSION USOSCE 4130
RUCNDT/USMISSION USUN NEW YORK 1276
RUCPDOG/DEPT OF COMMERCE WASHDC
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C O N F I D E N T I A L SECTION 01 OF 02 ASHGABAT 001535

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SUBJECT: TURKMENISTAN: AN IDEALIZED VERSION OF THE MEJLIS

Classified By: Charge d'Affaires Sylvia Reed Curran. Reasons 1.4 (B) and (D).

¶1. (C) SUMMARY: Officials from the parliament of Turkmenistan described a very orderly process for drafting and passing laws. According to the description, all parties who have an interest in a law, from Ministries, to members of parliament, to subject-matter experts, to average citizens can make suggestions and be involved in the process. By the time the bill gets to the main session of the Mejlis for voting, all conflicts will have been worked out. Reality, however, probably only distantly resembles this idealized description of the parliamentary process. END SUMMARY.

¶2. (SBU) Batyr Berdiyev from the International Relations Committee of the Mejlis, the parliament of Turkmenistan, and Yazdursyan Gurbannazarova, head of the Human Rights Committee of the Mejlis, met with Poloff to explain the process of passing laws in Turkmenistan. Gurbannazarova ran the meeting and was the main interlocutor. She began by explaining that the work that the Mejlis currently is doing stems from the new Constitution that "our esteemed President" passed in September 2008. The Mejlis committees are updating laws to bring them into accordance with the new Constitution and with international standards. This is all being done "for the good of the people." Gurbannazarova also explained that the 2008 Constitution increased the number of Mejlis deputies to 125, and those deputies work on one of five committees -- the human rights committee, the science, education, and culture committee, the economics and social policy committee, the international relations committee, and the local administration committee.

¶3. (SBU) Gurbannazarova then continued with her presentation of how a draft law begins. She said that the first step is for the Mejlis to pass a resolution that a law needs to be drafted or redrafted. Poloff got the impression that these resolutions were usually passed at the suggestion of President Berdimuhamedov. Included in a resolution is an assignment of action to one of the five committees. From that point, until the draft is ready to be voted on by the

Mejlis, the committee is responsible. The committee delegates the drafting of the bill to the ministry that has the most expertise on a topic. For instance, a new tax code would be drafted by the Ministry of Finance. Once the first version of a bill is written, the Mejlis committee forms a working group, consisting of the deputies on the committee, any other interested members of the parliament, and employees from government agencies that the law would affect. The working groups meet several times to discuss the bill, and they often consult with specialists on the topic.

14. (U) During the time when the committee is discussing a bill, any citizen can comment on the draft. The usual way to do this is for the citizen to send comments to their Mejlis representative at the Mejlis offices in the regions. The representatives then relay the comments to the working group.

The Mejlis representatives in the regions are deputies and are members of the various committees. For instance, on the human rights committee, only 8 deputies are based in Ashgabat, and the other 16 are in the regions. Once a committee finishes the discussions and consultations, they present the updated version of the bill to the other four Mejlis committees for comments and suggestions. According to Gurbannazarova, all problems and conflicts are dealt with at this inter-committee stage, so that by the time the bill goes to the main session of the Mejlis for the vote, none of the deputies will be against it. She did tell Poloff, in response to a question, that a bill needs two-thirds of the deputies' votes to pass. She also noted that Mejlis sessions are open to the public.

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15. (U) When the Mejlis convenes in a full session, they often pass a number of laws in one sitting. On November 21, the Mejlis unanimously passed four laws, including the 2010 Budget, a law on regulation of weapons, a law on the Migration Service, and a new Sanitary Code. During the previous session in August, the Mejlis passed even more laws, which were, again, all unanimously approved.

16. (SBU) Gurbannazarova emphasized that the Mejlis committees are working full time to update laws, even though the full sessions convene only occasionally. In the last year the Mejlis has passed about 40 new laws and regulations, including new laws on Education, Science Workers, Nature Protection, Terrorist Financing, Procuracy, and Judges, as well as a new Criminal Procedure Code and new Labor Code. The next priorities are the laws on Customs and on Lawyers, and the Housing Code, Administrative Code, and Penal Code. She said that the new laws demonstrate that the rights of the people are the government's and the president's first priority. As an example, she said that the new Labor Code increases the amount of vacation time allowed to citizens and increases maternity leave from 1.5 years to 3 years. And because the president cares so much for his people, he is allowing them to take advantage of these new benefits in the second half of 2009, even though the Code does not officially go into effect until 2010.

17. (C) COMMENT: Gurbannazarova was very knowledgeable about the work of her committee and delivered the talking points about parliamentary process very clearly. However, she was not interested in a dialog or free-flowing discussion. At the outset of the meeting she asked Poloff to wait until the end of her presentation to ask any questions. When she did answer questions, the answers were all based on how the process was supposed to work, not how it did in reality. Gurbannazarova, not surprisingly, would not admit to any conflicts or fundamental disagreements between deputies or among working group members. Despite the fact that most laws are passed unanimously, most deputies probably vote for laws because to do otherwise would draw negative attention to themselves. This meeting was a prime example of the Turkmen Government putting on a facade of a perfectly functioning bureaucracy -- something post knows from experience is not

true. Based on stories from local contacts about how government officials choose to interpret laws and regulations, it is doubtful that reality comes close to this ideal. END COMMENT.

CURRAN